

CLOSED

**U.S. District Court
Northern District of New York [LIVE] (Albany)
CRIMINAL DOCKET FOR CASE #: 1:99-cr-00608-TJM-ALL
Internal Use Only**

Case title: USA v. Simoneau
Other court case number: 3:01-cv-00337

Date Filed: 11/23/1999

Assigned to: Judge Thomas J. McAvoy

Defendant

Alfred Simoneau (1)
TERMINATED: 08/24/2000

represented by **Martin D. Boudreau**
Office of Martin D. Boudreau
487 Adams Street
Milton, MA 02186
617-698-2240
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TERMINATED: 08/24/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Thomas F. McEvilly
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TERMINATED: 08/24/2000
LEAD ATTORNEY
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Designation: Retained

Pending Counts

Disposition

ECF DOCUMENT
I certify that this is a printed
copy of a document which was
electronically filed with the
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
LAWRENCE K. BAERMAN, CLERK
Dated: 12-07-04
By: flacon Deputy Clerk

term of imprisonment of 18 Months.
Court recommends to BOP that Deft
participate in Sex Offender Treatment
Program at FCI Butner, if Deft is not
able to participate in Butner Sex
Offender Program, the Court
recommends designation to FCI

18:2423.F COERCION OR
ENTICEMENT OF MINOR FEMALE
(1)

Devens, Massa chusetts. Deft shall
surrender to BOP on 1-03-01.
Supervised Release term of 3 Years
w/condition not to possess firearms.
Special Condition to submit to mental
health evaluation and treatment; shall
not have contact with a person under
the age of 18 unless supervised; shall
not possess or use a computer with
access to on-line service; shall notify
third parties of risks; shall register with
state sex offender registry agency. Total
Special Assessment \$100.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA
TERMINATED: 08/24/2000

represented by **Thomas Spina, Jr.**
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 TERMINATED: 08/24/2000
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/23/1999	1	WAIVER OF INDICTMENT by Alfred Simoneau (pta) (Entered: 12/07/1999)
11/23/1999	2	INFORMATION as to Alfred Simoneau (1) count(s) 1 (pta) (Entered: 12/07/1999)
11/23/1999	3	Plea Agreement as to Alfred Simoneau (pta) (Entered: 12/07/1999)
11/23/1999		Arraignment as to Alfred Simoneau held before Judge McAvoy (pta) (Entered: 12/07/1999)
11/23/1999		Initial appearance as to Alfred Simoneau held (Defendant informed of rights.) before Judge McAvoy (pta) (Entered: 12/07/1999)
11/23/1999		PLEA of Guilty: Alfred Simoneau (1) count(s) 1 ; Court accepts plea. Remaining counts, if any, to be dismissed at sentencing. (pta) (Entered: 12/07/1999)
11/23/1999		**Added for Alfred Simoneau Attorney Thomas F. McEvilly, Martin D. Boudreau (wbl) (Entered: 12/07/1999)
11/23/1999		**JS2 Opening Card for Alfred Simoneau (pta) (Entered: 08/24/2000)
11/29/1999	4	Minute entry as to Alfred Simoneau WAVIER/FILING INFORMATION / ARRAIGNMENT/PLEA HELD 11-23-99 BEFORE HON. THOMAS J. MCAVOY INN ALBANY : Appearances: Court Reporter B. Buckley; Thomas Spina AUSA for GOVT; Martin Boudreau and Thomas McEvilly for DEFT. Wavier accepted. 1 Ct Informaiton ia amended on the record. Court makes inquiry of deft waiver of appeal rights. Court accepts plea. PSR ordered. Sentencing set for 3-24-00 at 2:30 p.m. in Binghamton. Deft released ROR w/standard conditions. [12:30-12:55] (pta) (Entered: 12/07/1999)
11/30/1999	6	ORDER as to Alfred Simoneau ; released ROR. (Signed by Chief Judge Thomas J. McAvoy on 11/23/99) (pta) (Entered: 12/07/1999)
12/01/1999	5	GUIDELINE ORDER as to Alfred Simoneau ; Sentencing set for

		2:30 p.m. on 3/24/00 in BINGHAMTON (Signed by Chief Judge Thomas J. McAvoy) (pta) (Entered: 12/07/1999)
12/09/1999		**Added AUSA Thomas Spina Jr. as to Alfred Simoneau (cml) (Entered: 12/09/1999)
12/10/1999	7	AMENDED ORDER as to Alfred Simoneau ; released ROR. Next appearance 3-24-00 at 2:30 p.m. in Binghamton; Condition to report to US Probation Office as directed, maintain or actively seek employment, obtain no passport, travel restrictions State/Massachusetts w/exception of travel to ND/NY for Court, avoid contact with victim or potential witness, undergo medical or psychiatric treatment as directed by Probation, no firearms, refrain from excessive use of alcohol, refrain from use or possessio of narcotic drug, etc., submit to testing by pretrial sevice, participate in program of substance abuse as directed, report to pretrial services, and no unsupervised contact with a minor(Signed by Chief Judge Thomas J. McAvoy on 12/9/99) (pta) (Entered: 12/10/1999)
02/04/2000	8	Letter by USA to Probation dd 2/2/00 as to Alfred Simoneau rejecting PSR (sfp) (Entered: 02/04/2000)
03/08/2000	9	NOTICE OF PRESENTENCE REPORT / Waiver form by Alfred Simoneau and USA (pta) (Entered: 03/08/2000)
03/10/2000	10	COURT NOTICE dtd 3/10/00 resetting Sentencing for 3:00 PM on 4/20/00 for Alfred Simoneau in Albany , NY (cml) (Entered: 03/10/2000)
03/20/2000	11	LETTER REQEUST of Martin D. Boudreau, Esq. dd 3-16-00 on behalf of Alfred Simoneau for a continuance of the 3-24-00 Sentencing to a date in Aprial (pta) (Entered: 03/20/2000)
04/07/2000		RECEIVED Letters on behalf of Alfred Simoneau (pta) (Entered: 04/07/2000)
04/07/2000		RECEIVED Report of Psychological Evaluation of Alfred Simoneau [placed in Judge's folder] (pta) (Entered: 04/07/2000)
04/10/2000		RECEIVED LETTERS on behalf of Alfred Simoneau AND request to charge diskett (pta) (Entered: 04/10/2000)
04/20/2000	12	COURT NOTICE dtd 4/20/00 resetting Sentencing for 9:15 AM on 8/18/00 for Alfred Simoneau in Albany , N.Y. (cml) (Entered: 04/20/2000)
07/17/2000		RECEIPT for Payment of special assessment paid by Alfred

		Simoneau AMOUNT \$ 100.00 Receipt # 48410 (mfd) (Entered: 07/21/2000)
08/07/2000	13	LETTER of Martin D. Boudreau, Esq. dd 8-04-00 on behalf of Alfred Simoneau w/Report of Evaluation of Doctor Martin P. Kafka (pta) (Entered: 08/07/2000)
08/14/2000	14	SENTENCING MEMORANDUM by Alfred Simoneau (sfp) (Entered: 08/14/2000)
08/14/2000	15	MOTION by Atty Boudreau as to Alfred Simoneau for Leave to File Sentencing memorandum (sfp) (Entered: 08/14/2000)
08/16/2000	16	SENTENCING MEMORANDUM by USA dd 8-15-00 in opposition to Deft's objections to PSI and Motion for downward departure as to Alfred Simoneau (pta) (Entered: 08/16/2000)
08/18/2000		Sentencing held Alfred Simoneau (1) count(s) 1 (pta) (Entered: 08/22/2000)
08/21/2000	17	SENTENCING HELD 8-18-00 BEFORE HON. THOMAS J. MCAVOY IN ALBANY NY Minute entry as to Alfred Simoneau : Appearances: Court Reporter B. Buckley; Thomas Spina, AUSA for GOVT; Martin Boudreau for DEFT and Thomas McEvilly for DEFT. Atty heard for Deft and makes 5K2 - DENIED. Deft speaks. AUSA Spina does not make 5K1.1 motion. Court adopts findings except as spread upon record. Court Exhibit 1 is marked. Deft sentenced on 1 Ct Info. Deft committed to custody BOP for term of 18 Mos. Court recommends that Deft participate in the Sex Offender Treatment Program if eligible at FCC Butner. Upon release from imprisonment, placed on Supervised Release term of 3 Yrs. w/conditions. Special Condition to submit to a mental health evaluation and complete sex offender treatment, shall not have direct/indirect contact with a person under 18 yrs. unless supervised, shall not possess or use a computer with access to on-line service, shall register with the state sex offender registry agency, notification requirement. Special Assessment \$100.00. Deft to surrender to BOP on Wed. 1-03-01 at 2:00 p.m. Parties advised of appeal rights. [9:15-10:00] (pta) (Entered: 08/22/2000)
08/24/2000	18	JUDGMENT Alfred Simoneau (1) count(s) 1. term of imprisonment of 18 Months. Court recommends to BOP that Deft participate in Sex Offender Treatment Program at FCI Butner, if Deft is not able to participate in Butner Sex Offender Program, the Court recommends designation to FCI Devens, Massachusetts. Deft shall surrender to BOP on 1-03-01. Supervised Release term of 3 Years w/condition not to possess firearms. Special Condition to submit to mental health evaluation and treatment; shall not have contact with a person under

		the age of 18 unless supervised; shall not possess or use a computer with access to on-line service; shall notify third parties of risks; shall register with state sex offender registry agency. Total Special Assessment \$100.00. (Signed by Judge Thomas J. McAvoy on 8/23/00) Date Served: 8/24/00 (pta) (Entered: 08/24/2000)
08/24/2000		**JS3 Closing Card for Alfred Simoneau (pta) (Entered: 08/24/2000)
08/24/2000		**Case closed as to Alfred Simoneau (all defendants). (pta) (Entered: 08/24/2000)
08/24/2000	19	REDACTED COURT EXHIBIT 1 by USA as to Alfred Simoneau (pta) (Entered: 08/29/2000)
08/24/2000		**Case closed as to Alfred Simoneau (all defendants). party U.S. Marshal, party Alfred Simoneau, party USA (amt) (Entered: 06/10/2002)
12/26/2000	20	NOTICE of Attorney Appearance of Thomas F. McEvilly by Alfred Simoneau (wbl) (Entered: 12/26/2000)
01/18/2001	21	Judgment Returned Executed as to Alfred Simoneau. Deft voluntarily surrendered on 1/3/01 to FCI, Butner, NC on 1/3/01 (jlm) (Entered: 01/19/2001)
02/23/2001		File transferred from Binghamton to FRC. (sfp) (Entered: 02/23/2001)
02/23/2001		File transferred from Binghamton to FRC. (sfp) (Entered: 02/23/2001)
03/08/2001	22	MOTION by Alfred Simoneau to Vacate under 28 U.S.C. 2255 in Civil Case 3:01-cv-337 (TJM) (pta) Modified on 03/08/2001 (Entered: 03/08/2001)
03/29/2001	23	DECISIONA AND ORDER; denying [22-1] motion to Vacate under 28 U.S.C. 2255 as to Alfred Simoneau (1) (Signed by Judge Thomas J. McAvoy on 3/27/01) (pta) (Entered: 03/29/2001)
09/04/2001	24	MOTION by Alfred Simoneau to Vacate under 28 U.S.C. 2255 , (pta) (Entered: 09/04/2001)
09/26/2001	25	TRANSCRIPT filed in case as to Alfred Simoneau for dates of 8/18/01 (fce) (Entered: 09/26/2001)
09/26/2001	26	TRANSCRIPT (Plea) filed in case as to Alfred Simoneau for dates of

		11/23/99 (fce) (Entered: 09/26/2001)
11/05/2001		RECEIVED Proposed Order by US Probation as to Alfred Simoneau [forward to Chambers] (pta) (Entered: 11/05/2001)
11/08/2001	<u>27</u>	PETITION AND ORDER as to Alfred Simoneau, Modifying Conditions of Release (Signed by Judge Thomas J. McAvoy on 11/7/01) (pta) (Entered: 11/08/2001)
02/25/2004		***Motions terminated as to Alfred Simoneau : [24] Motion to Vacate (2255) filed by Alfred Simoneau. (cbm,) (Entered: 02/25/2004)
12/07/2004	28	Probation Jurisdiction Transferred to USDC/District of Massachusetts as to Alfred Simoneau Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (pta,) (Entered: 12/07/2004)